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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|-----------------------|-------------------------------|------------------|
| 10/698,101 | 10/31/2003 | Ponani Gopalakrishnan | YOR920030447US1 (590.112) | 1014 |
| 35195 7590 04/02/2007 FERENCE & ASSOCIATES LLC 409 BROAD STREET PITTSBURGH, PA 15143 | | | EXAMINER TRAN, VINCENT HUY | |
| | | | ART UNIT 2115 | PAPER NUMBER |

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 04/02/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | | |
|------------------------------|------------------------|-----------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/698,101 | GOPALAKRISHNAN ET AL. | |
| | Examiner | Art Unit | |
| | Vincent T. Tran | 2115 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is responsive to the communication filed on 1/19/07
2. Claims 1-21 are pending for examination.
3. The text of those sections of Title 35, U.S. code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-9, 11-19, 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Lenchik.
6. As per claim 11, Lenchik discloses a system for resource configuration in a multi-modal distributed computing system having at least one resource capable of being configured, the method comprise step of:

obtaining information associated with a mobile device within the system [203, 204 fig. 2];

obtaining information associated with the system [202 fig. 2];

configuring said at least one resource based upon the information associated with the mobile device and the system [205 fig. 2].

wherein the resource is configured to provide the most appropriate mode of interaction for a user of the system [fig. 3-7]¹.

7. As per claim 12, Lenchik discloses an information associated with the mobile device includes contextual information associated with the needs of the user of the mobile device, the location of the mobile device, and the environment in which the mobile device is located [col. 3 lines 24-45].

8. As per claim 13, Lenchik discloses an information associated with the system includes information associated with the capabilities of devices within the system [col. 2 line 66 to col. 3 line 24].

9. As per claim 14, Lenchik discloses an information associated with the system includes information associated with characteristics of the environment in which the system is located [202 fig. 2].

10. As per claim 15, Lenchik discloses the characteristics of the environment in which the system is located are current characteristics [202 fig. 2].

¹ Based on both the present operating environment locale and previously selected function and task icons, the resource [user interface] is configured to provide the most appropriate mode of interaction for a user such as telephone mode while at the office, cellular telephone mode while in a car, and remote control mode while at home etc....

11. As per claim 16, Lenchik discloses the at least one resource to be configured is an interface resource [fig. 3-7].
12. As per claim 17, Lenchik discloses the at least one resource be configured is a computing resource [icon fig. 3-7].
13. As per claim 18, Lenchik discloses the computing resource is an application [applicant to display icon – col. 4 lines 59-66].
14. As per claim 19, Lenchik discloses the application has multiple configuration and application is configured to be most appropriate for the environment in which the mobile device is located [configured both hierarchical and contextual rows of selectable icon].
15. As per claim 1-9, Lenchik teaches the method for resource configuration in a multi-modal distributed computing system. Therefore, Lenchik teaches the system to perform the method.
16. As per claim 21, Lenchik teaches the method for resource configuration in a multi-modal distributed computing system. Therefore, Lenchik teaches a program storage device readable by machine, tangibly embodying a program of instructions executable by the machine to perform the method.

17. Claims 1, 11, 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Sibal et al. US 20030063728 ("Sibal").

18. As per claim 11, Sibal teaches a system for resource configuration in a multi-modal distributed computing system having at least one resource capable of being configured, the method comprise step of:

obtaining information associated with a mobile device within the system [paragraph 0044];

obtaining information associated with the system [0025, 0027];

configuring said at least one resource based upon the information associated with the mobile device and the system [0061-0062];

wherein the resource is configured to provide the most appropriate mode of interaction for a user of the system [0036, 0044, 0045, 0057].

Claim Rejections - 35 USC § 103

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

21. Claims 2-10, 12-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sibal in view of Spriestersback.

22. As per claim 12, Although Sibal teaches the system operable for configuring the at least one resource based upon the information base on external condition associated with the mobile device [paragraph 0044] and, in the case where the user may wish to avoid disturbing others around him or her by disengaging the audio output, while still preserving the user's ability to provide voice input where all output will be provided in visual form; however, Sibal does not explicitly teach the information associated with the mobile device includes contextual information associated with the needs of the user of the mobile device, the location of the mobile device, and the environment in which the mobile device is located.

Spriestersback teaches another invention relates to the integration of context information in mobile device applications, and more specifically, to the user of geographical context information to customize a user interface for a mobile device [paragraph 0002]. Specifically, Spriestersback teaches

obtaining information associated with a mobile device within the system [paragraph 0031, 0033];

obtaining information associated with the system [0032];

configuring said at least one resource based upon the information associated with the mobile device and the system [paragraph 0015-0016],

where the information associated with the mobile device includes contextual information associated with the needs of the user of the mobile device, the location of the mobile device, and the environment in which the mobile device is located [paragraph 0015-0017].

At the time of the invention was made, it would have been obvious to of ordinary skill in the art to have modified the system of Sibal with the information associated with the mobile device taught by Spriestersback.

The motivation for doing so would have been to improve the system of Sibal by provide a more intelligent, context-aware applications that can tailor data entry, user interface and interaction based on various available information, such as, user's define rule, habits, the location of the device, and available related data.

23. As per claim 13, Spriestersback discloses an information associated with the system includes information associated with the capabilities of devices within the system [paragraph 0032].

24. As per claim 14, Spriestersback discloses an information associated with the system includes information associated with characteristics of the environment in which the system is located [inherent – col. 4 line 40-55].

25. As per claim 15, Spriestersback discloses the characteristics of the environment in which the system is located are current characteristics [paragraph 0031, 0033].

26. As per claim 16, Spriestersback discloses the at least one resource to be configured is an interface resource [paragraph 0017, 0056].

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27. As per claim 17, Spriestersback discloses the at least one resource be configured is a computing resource [paragraph 0035, 0036, 0052].

28. As per claim 18, Spriestersback discloses the computing resource is an application [paragraph 0034, 0061, 0066].

29. As per claim 19, Spriestersback discloses the application has multiple configuration and application is configured to be most appropriate for the environment in which the mobile device is located [paragraph 0034-0035].

30. As per claim 20, Spriestersback discloses the at least one resource to be configured is an information resources [paragraph 0034].

31. Claims 1-5, 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rankin in view of Sibal.

32. As per claim 11, Rankin teaches a system for resource configuration in a multi-modal distributed computing system having at least one resource capable of being configured, the system comprising:

obtaining information associated with a mobile device within the system [col. 4 lines 12-15; from col. 4 line 61 to col. 5 line 12; col. 6 lines 33-51];

obtaining information associated with the system [col. 5 lines 12-15]

an arrangement for configuring said at least one resource based upon the information associated with the mobile device [col. 4 lines 51-54].

Although Rankin teaches the system can interact with user preferences to configure at least one resource of the mobile communications device in encounters with location based information services; however, Rankin does not explicitly teach the resource is configured to provide the most appropriate mode of interaction for a user of a system.

Sibal teaches another invention relates to applications that interact in two or more modes, voice mode and visual mode, with a user through a mobile device where the application mode switching may be performed based on a predetermined rules, or “adaptively” based on external condition [paragraph 0044]. Specifically, Sibal teaches, in the case where the user may wish to avoid disturbing others around him or her by disengaging the audio output, all output will be provided in visual form.

At the time of the invention was made, it would have been obvious to one of ordinary skill in the art to have modified the system of Rankin with the mode swapping of Sibal to provide the most appropriate mode of interaction for a user of the system. The advantage of the Sibal method is that allow him or her to communicate affectively with the mobile device without disturbing others around him or her.

33. As per claim 12, Rankin discloses an information associated with the mobile device includes contextual information associated with the needs of the user of the mobile device, the location of the mobile device, and the environment in which the mobile device is located [col. 4 lines 12-15; from col. 4 line 61 to col. 5 line 12; col. 6 lines 33-51].

34. As per claim 13, Rankin discloses an information associated with the system includes information associated with the capabilities of devices within the system [col. 5 lines 12-15; col. 7 lines 40-44].

35. As per claim 14, Rankin discloses an information associated with the system includes information associated with characteristics of the environment in which the system is located [col. 6 lines 33-51].

36. As per claim 15, Rankin discloses the characteristics of the environment in which the system is located are current characteristics [S4 fig. 4].

Conclusion

37. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Examiner's note:

Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Prior Art not relied upon:

Please refer to the references listed in attached PTO-892, which, are not relied upon for claim rejection since these references are relevant to the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vincent T. Tran whose telephone number is (571) 272-7210. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas c. Lee can be reached on (571) 272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Vincent Tran



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PRIMARY EXAMINER